

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 11-12, 2002

Reference No.: 2.8b.  
Action Item

From: ROBERT L. GARCIA  
Chief Financial Officer

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Local Assistance

Ref: **REQUEST TO EXTEND THE PERIOD OF CONTRACT AWARD – CTC RESOLUTION  
G-98-20 TEA GUIDELINES - TRANSPORTATION ENHANCEMENT ACTIVITIES  
CONSERVATION LANDS PROGRAM  
WAIVER-02-45**

## **ISSUE:**

The Glass Beach Acquisition Project was programmed for \$2.5 million in Round Two of Conservation Lands on August 18, 1999, in FY 1999-00 by Resolution G-99-21. The funds were allocated on May 11, 2000 and the deadline to award the project was June 30, 2002. The budget authority for the 1999/00 fiscal year has expired. The 2002/03 fiscal year Local Assistance budget authority will be utilized when the acquisition is complete and reimbursement is requested.

The project encountered an unavoidable delay during the environmental clearance process when it was discovered that a small portion of the property contains hazardous waste. Federal guidelines require the applicant to mitigate for hazardous waste, which they have diligently pursued. The California Integrated Waste Management Board (CIWMB) has entered into an agreement with the Department of General Services (DGS) to complete the required remediation work. Final NEPA clearance cannot be issued until the Regional Water Quality Control Board (RWQCB) and CIWMB have both stated in writing that no further remedial action is necessary.

Since the required remediation work is not yet complete, the applicant requests a time extension until September 30, 2003. The Department staff concurs with this award extension request.

## **RECOMMENDATION:**

Approve the 15-month award extension request for the Glass Beach Scenic Acquisition Project.

**BACKGROUND:**

The Commission adopted the EEM Program procedures and criteria to govern the programming of the Conservation Lands share of the TEA program on July 20, 2000 by passing Resolution G-00-18. The Commission has programmed three rounds of the Conservation Lands Program (CL), up to the amount of funding made available south and north using the EEM 60/40 ratio:

December 1998	2 Projects	\$10,000,000
July 1999	9 Projects	\$18,012,000
May 2000	11 Projects	\$24,000,000
<b>TOTAL PROGRAMMING</b>	<b>22 Projects</b>	<b>\$52,012,000</b>

The original amount of TEA funds available from TEA-21 was \$11 million. This figure rose to \$52,012,000 at the conclusion of ISTEA with additional funds from unobligated ISTEA projects, rural exchanges and project savings. Ten (10) projects were programmed in the South for a total of \$31,312,000 and ten (10) projects were programmed in the North for a total of \$20,700,00 in TEA funds.

CL projects must receive a CTC allocation vote within the same fiscal year they are “programmed.” The Conservation Lands applicants are allowed to determine the fiscal year of delivery, unlike the EEM program where all of the projects are programmed at the beginning of each fiscal year and have until the end of that specific fiscal year to be allocated. The Department staff, with CTC staff concurrence, defined “program year” as the applicant’s designated fiscal year for delivery. The project then has two additional years to obligate the funds and award a contract, or close escrow in the case of scenic land acquisitions.